

## REMARKS

Claims 1-28 are pending. Claims 1-28 stand rejected. Claims 1, 3-5, and 27 have been amended. Claims 1-28 remain in the application.

Claim 27 stands rejected under 35 U.S.C. 112, second paragraph.

The rejection stated:

'Claim 27, line 1: "A computer program product" ought to be amended to "A computer program product stored on a computer readable medium".

This has been done.

Claims 1, 2, 6-14, 16, and 26-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Burt et al. (U.S. Patent No. 5,649,032). Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Burt et al. in view of Seitz et al. (View Morphing, Proceedings of the 23rd annual conference on Computer graphics and interactive techniques, ACM Press, 1996, pp. 21-30). Claims 17-18 and 22-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burt et al. in view of Yoshida et al. (U.S. Patent No. 6,266,128). Claims 19-21 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burt et al. in view of Suzuki et al. (U.S. Patent No. 6,094,218).

Claim 1 requires automatically selecting the cropping region according to the provided cropping criterion. The office action indicated that: "Burt et al. (US Patent 5,649,032A), teaches a user selection and an "automatic []" in col. 10, line 56 "selection function []" in col. 10, line 55. Where the "selection functions may include cropping" in col. 10, line 53."

The rejection also indicated that Burt et al. teaches means for automatically selecting the cropping region. (The rejection relied upon Burt et al., including col. 10, lines 53 and 55-56; Fig. 3, num. 302 and Fig. 5, num. 502, 504, and 506.)

Burt et al. does not teach automatic selecting of the cropping region. Burt et al. teaches an automatically predetermined selection function. Stating this another way, the rejection correctly argues that, in Burt et al., there are teachings that step 502 of Figure 5 can be automatic and incorrectly argues that there are teachings that step 506 can be automatic.

Burt et al. states:

"The selection functions may be either user selectable or automatically predetermined to best accomplish specific mosaic requirements." (Burt et al., col. 10, lines 55-57; emphasis added)

Burt et al. also states, relative to user selection at step 502 of Figure 5:

"At step 502, the user selects a selection function and associated control parameters for the selected function. Typically, such selection would be from a menu of functions and parameters. To illustrate some possible selection function, the process is depicted as branching from step 502 to steps 504, 508, 512, and 516. The specific branch used depends upon the selected selection function." (Burt et al., col. 10, lines 61-67)

These quotes suggest that automatic predetermination of the selection functions, like user selection, automatically picks the branch(es) used. There is no teaching or suggestion of more than that.

In Burt et al., a selected function has associated control parameters that are not defined in steps 502-504:

"At step 506, the user defines certain parameters to control the cropping function". (Burt et al., col. 11, lines 2-3 (relied upon in the rejection); as to functions other than cropping, see col. 11, lines 5-8)

In other words, once a branch is picked the user defines the associated control functions. This language does not teach or suggest automatic control of the cropping function, but rather teaches that the user defines the associated parameters once the branch is picked. This teaching of user defining of associated control parameters is compatible with automatic predetermination of the selection functions that picks the branch(es) for the user.

This position is also supported by other features of Figure 5 and its related discussion in Burt et al. Figure 5 is initially discussed (col. 10, lines 50-58) in relation to both user selectable and automatic predetermination of selection functions, yet Figure 5 includes step 520, which is described as follows:

"The process queries, at step 520, whether the user desires to apply further editing functions." (Burt et al., col. 11, lines 21-22; emphasis added)

There is no need for step 520 in a fully automatic process. The presence of another user step in Figure 5 supports the implication that the automatic predetermination of the selection functions is limited to picking the branch(es) for the user, who then defines associated parameters.

Another interpretation can be given to Figure 5 and related discussion in Burt et al; that Figure 5 is limited to an embodiment with user selection of selection functions. In that case, the rejection lacks sufficient support.

Claims 2 and 6-25 are allowable as depending from Claim 1.

Claim 26 is allowable on the same grounds as Claim 1.

Claim 27 is allowable as depending from Claim 26.

Claim 28 is allowable on the same grounds as Claim 1.

Claims 3-5 stand rejected under 35 U.S.C.103(a) as being unpatentable over Burt et al. in view of Armstrong et al. (U.S. Patent No. 6, 580,457) The rejection stated:

"Regarding claim 3, Burt et al. does not teach the limitation of claim 3, but does suggest that a user can select a size in col. 11, lines 2-6. Thus, a user can select any size from small to large.

"However, Armstrong et al., in the field of endeavor of electronic photography, teaches a cropping criterion (Fig. 9,num. 81:#VERTICAL LINES=TOTAL VERTICAL LINES IN IMAGER) that specifies that a cropped digital image (Figure 5a contains a smaller rectangle labeled: MODE 1 640 X 480 IMGAE) is the composite digital image region (The smaller rectangle labeled: MODE 1 640 X 480 IMAGE.) having a largest area (The smaller rectangle contains the largest area of the image of fig. 5a.) out of the set of composite digital image regions (Fig 5a has regions of a top, bottom, left, and right regions which are labeled as "CROPPED".) having aspect ration L:H (In reference to the bottom cropped margin; 640 for the length and 18 lines high.)

"It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Burt et al.'s teaching of selecting a size for dropping with Armstrong et al.'s teaching of selecting a larger size for cropping because "The images remain of good quality with a faster overall frame rate [for all modes 1-3 in col. 5, lines 6-9] (Armstrong et al., col. 5, lines 27-29)." Note that mode 1 corresponds to the image of figure 5a."

Claim 3 has been rewritten as an independent claim and now states:

3. A method for producing a cropped digital image, comprising the steps of:

- a) providing a plurality of partially overlapping source digital images;
- b) providing a cropping aspect ratio L:H, the cropping aspect ratio being the ratio of the length to the height of the cropped digital image;
- c) providing a cropping criterion, the cropping criterion being a criterion for the size and location of the cropped digital image;
- d) combining the source digital images to form a composite digital image;
- e) automatically selecting the cropping region of the composite digital image according to the cropping criterion, said cropping region being a rectangular region having aspect ratio L:H, and having size and location determined by the cropping criterion; and,
- f) cropping the composite digital image to the cropping region to form a cropped digital image;

wherein the cropping criterion specifies that the cropped digital image is the composite digital image region that is largest in area of the set of all composite digital image regions having aspect ratio L:H.

Claim 3 is supported by the application as filed, notably the original claims and at page 7, line 29 to page 8, line 10.

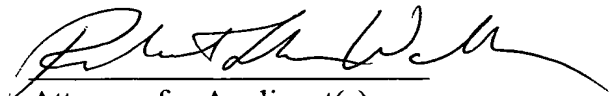
Claim 3 requires that the cropping criterion specifies that the cropped digital image is the composite digital image region that is largest in area of the set of all composite digital image regions having aspect ratio L:H. The rectangle indicated by "MODE 1 640 X 480 IMAGE" in Figure 5a of Burt et al. is not the largest in area cropped digital region available in Figure 5a having the same aspect ratio. For example, a region having 680 X 510 pixels could be provided.

Claims 4-5 were similarly amended and are supported and allowable on the same basis as Claim 3.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert Luke Walker", written over a horizontal line.

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